IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2339 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2340 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2341 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2445 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2596 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2597 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 2085 OF 2004
ALONGWITH
CRIMINAL WRIT PETITION NO. 1575 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1576 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1578 OF 2005

Mr.Rohit Mehta ...Petitioner

Versus

M/s. Fortis Financial Services Ltd. and Anr. ...Respondents

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Mr. Niranjan Mundargi i/b M/s. Arpan Rajput & Co. Advocate for Petitioner

Mr. J.P. Shah i/b M/s. A.S. Khan & Associates, Advocate for Respondent No.1.

Mr. V.B.Konde Deshmukh, APP in WP No.2339 of 2004
Mr. Y.S. Shinde, APP in WP No.2340 of 2004
Ms. S.V. Gajare, APP in WP Nos.2341/04 & 1575/2005
Mr. Rajesh More, APP in WP No.2445/04 & 1576/05.
Mr. R.S. Khadapkar, APP in WP Nos.2596 & 2597 of 2004
Mr. S.R. Shinde, APP in WP Nos.2085/04 & 1578/05

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 27TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner, learned advocate for the respondent No.1 i.e.original complainant and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case Nos.3371/S/2002, 2730/S/2002, 2309/S/2002, 2142/S/2002, 2361/S/2002, 2893/S/2002, 2146/S/2002, 2144/S/2002, 4364/S/2002 and 1109/S/2002 which are pending in the Court of learned Metropolitan Magistrate, 23rd Court, at Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap V. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned

advocate for the respondent No.1 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.

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